

**CORRECTIONS TO THE DRAWINGS**

Applicant has provided corrected drawings for Figures 1 and 2 and has provided a legend that designates the figures as prior art.

### **REMARKS**

The Office Action of August 1, 2005, is discussed in detail below.

#### **Drawings**

Applicant has corrected Figures 1 and 2 to include a legend that states "Prior Art". Applicant believes that the corrected drawings comply with the requirements stated by the Examiner and respectfully requests that the objection to the drawings be removed.

#### **Claim Amendments**

Applicant has amended claim 1 to recite that the second terminal surrounds the chalcogenide material. Support for the amendment to claim 1 may be found, for example in Figure 3 (where intermediate terminal 260 surrounds chalcogenide material 210), Figure 4 (where intermediate terminal 370 surrounds chalcogenide material 380), and p. 31, line 14 ("The intermediate terminal 370 circumscribes the chalcogenide material 380) of Applicant's specification.

#### **Claim Rejections – 35 USC 102**

##### **From Paragraph 4 of Office Action**

**Claims 1 – 3, 8 - 11 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowrey (US 2002/0036931).**

US 2002/0036931 to Lowrey ("Lowrey") discloses a chalcogenide programmable memory device (Figs. 1A & B, and 2J") comprising a chalcogenide material (290), a first terminal

(130a), a second terminal (130b) and a third terminal (300) wherein two portions of chalcogenide material can be programmed into different states.

Applicant's amended claim 1 recites that one of the three terminals of Applicant's invention surrounds the chalcogenide material. None of the three terminals of the device of Lowrey surrounds the chalcogenide material. Prior art such as GB 2296820 A (electrode 60 in the cover page figure), US 6,774,387 (electrode 136 in Fig. 7) and US 6,895,148 teach an annular shaped electrode, but only as a surface contact electrode and not as a surrounding electrode. In contrast to Lowrey and the prior art noted by the Examiner, the shape of the surrounding electrode of Applicant's invention conforms to the circumferential shape of the chalcogenide material. In Lowrey and the prior art noted by the examiner, the shape of the electrode does not conform to the circumferential shape of the chalcogenide material. Consequently, Lowrey fails to teach each and every element of Applicant's amended claim 1. Applicant accordingly believes that amended claim 1 is patentable over Lowrey and that this rejection is overcome. Applicant respectfully requests that this rejection be removed and respectfully submits that claims 1 – 3, 8 – 11 and 28 are allowable.

SUMMARY

The remaining claims in the application are claims 1 – 3, 8 – 11 and 28. In view of the above amendments and remarks, Applicant believes that the rejection of claims 1 – 3, 8 – 11 and 28 has now been overcome and that these claims are allowable over the reference cited by the Examiner. Applicant respectfully requests withdrawal of all outstanding rejections and respectfully submits that the application stands in condition for allowance. Should the Examiner have any questions or suggestions regarding this amendment, the Examiner is respectfully asked to contact Applicant's representative at the telephone number or email address listed below.

Respectfully submitted,



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